

**ORDINANCE NO. 2005-114**

**AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, CREATING A PARKS ORDINANCE FOR ST. JOHNS COUNTY; PROVIDING A SHORT TITLE; PROVIDING FOR JURISDICTION; PROVIDING FOR AUTHORITY OF THE DIRECTOR OF PARKS AND RECREATION; PROVIDING DEFINITIONS; PROVIDING REGULATION OF VEHICLES WITHIN PARKS; PROVIDING FOR USE OF BICYCLE RACKS AND POSTING OF RULES IF NO BICYCLE RACKS; PROVIDING FOR BUILDINGS AND OTHER PROPERTY; PROVIDING FOR FIRE REGULATION; PROVIDING FOR PLANT AND WILDLIFE PROTECTION AND PRESERVATION; PROVIDING FOR SWIMMING AND WADING; PROVIDING FOR BOATING; PROVIDING FOR WATER SKIING; PROVIDING FOR FISHING; PROVIDING FOR PICNIC AREAS AND USE; PROVIDING FOR CAMPING; PROVIDING FOR HORSEBACK RIDING; PROVIDING FOR ANIMALS; PROVIDING FOR CONTROL OF NUISANCE ANIMALS; PROVIDING FOR ALCOHOLIC BEVERAGES REGULATION; PROVIDING FOR FIREARMS REGULATION; PROVIDING FOR FIREWORKS AND EXPLOSIVES REGULATION; PROVIDING FOR PARK USAGE; PROVIDING FOR COMMERCIAL ACTIVITIES; PROVIDING FOR RESERVED PARK/FACILITY AREAS; PROVIDING FOR DANGEROUS EQUIPMENT AND ACTIVITIES; PROVIDING FOR SPECIAL USE AREAS; PROVIDING FOR PERMITS; PROVIDING FOR NOISE SOUND AMPLIFICATION; PROVIDING FOR AIRCRAFT REGULATION; PROVIDING PROTECTION FROM POLLUTION OF WATERS; PROVIDING FOR REFUSE, TRASH AND LITTER; PROVIDING FOR PUBLIC UTILITIES; PROVIDING FOR PARK HOURS; PROVIDING GENERAL PARK REGULATIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR LIABILITIES; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, St. Johns County, Florida a political subdivision of the State of Florida, (“County”), operates a large number of County Parks for the benefit of the public; and

**WHEREAS**, the County Recreation and Parks Advisory Board (“RAB”) has determined that the County could benefit by adopting rules and regulations that are applicable and enforceable to various County Parks; and

**WHEREAS**, the Board of County Commissioners of St. Johns County, Florida (“Board”) has embraced the determination of the County RAB, and approves the County adopting rules and regulations that will be applicable and enforceable at various County Parks.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of St. Johns County, Florida (“Board”) as follows:

Section 1. Short Title. This Ordinance may be known and cited as the Parks Ordinance for St. Johns County, Florida.

Section 2. Jurisdiction. This Ordinance shall regulate all St. Johns County Parks; excepting that any areas regulated by the St. Johns County Beach Code shall instead be regulated where specifically different than this Ordinance by that Code; and any park having specific park regulations shall be governed also by those regulations, which shall have precedence when in conflict with this Ordinance.

Section 3. Authority of the Director of Parks and Recreation. Subject to the direction of the Board of County Commissioners or the County Administrator, all powers, duties and authorities relating to the operation of the County Parks and Recreation system for the Board of County Commissioners, are vested in the Director of Parks and Recreation unless specifically vested elsewhere by the provisions of this Ordinance. The Director shall have authority to implement rules and policies consistent with this Ordinance. In the absence of the Director of Parks and Recreation, an individual specifically selected by the Director of Parks and Recreation and approved by the County Administrator, may assume the powers, duties, and authority vested by this section.

Section 4. Definitions. The following terms when used in this Ordinance shall have the meanings ascribed to them in this section:

(a) "Beach, water area, waterparks or pool" means any beach, water area, waterpark or pool designated by the Board of County Commissioners as such, within any park property, either on the ocean or inland, including the actual sand beach, if any, used for swimming and wading.

(b) "Department" means the "St. Johns County Parks and Recreation Department."

(c) "Director" means the Director of the St. Johns County Parks and Recreation Department or his/her designee.

(d) "Exotic animal" means a non-native animal species that occurs in Florida, as a result of direct or indirect, deliberate or accidental actions by humans, which may include, but not be limited to, domestic, semi-domestic or feral animals.

(e) "Native animal" means an animal species that occurs naturally in or is indigenous to Florida.

(f) "Park," "parkways," "recreational areas," "natural areas," "marinas," and "areas operated and maintained by the Department" means and may include, but is not limited to, parks, wayside parks, parkways, playgrounds, recreation fields, open green spaces, golf courses, community centers, museums, auditoriums, ranges, lakes, streams, canals, lagoons, waterways, pools, waterparks, water areas and beaches therein and all on grounds, water areas, buildings and

structures in the County which are under the control of or assigned for upkeep, maintenance or operation by the department.

(g) "Parking area" means any designated part of any park road, drive or area that is designated for the standing or stationing of any vehicles.

(h) "Park property" means all areas, grounds, buildings, locations and facilities described in the definition for "park."

(i) "Permit" means a document or certificate provided by the department granting permission for use of reserved park/facility areas and which sets forth terms and conditions applicable thereto.

(j) "Person" means and includes natural persons, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups and combinations.

(k) "Vehicle" means any wheeled conveyance (except a baby carriage or wheelchair) for transportation of persons or materials whether:

- (1) Powered or drawn by motor such as an automobile, truck, motorcycle, scooter, minibike, or recreational vehicle;
- (2) Animal-drawn such as a carriage, wagon, or cart;
- (3) Self-propelled such as a bicycle, tricycle, or skateboard; or
- (4) Towed such as a trailer of any size, kind or description.

"Vehicle" does not include any recreational or park transportation service operated or authorized by the department.

#### Section 5. Regulation of vehicles within parks.

(a) All applicable state or local vehicle laws are enforceable within park property.

(b) All law enforcement officers shall direct traffic and enforce all motor vehicle, traffic and parking laws of this County, and enforce all rules and regulations set forth by the department within park property. Park personnel, authorized and designated by the Director, may direct traffic and enforce the rules and regulations set forth by the department with park property.

(c) The Director shall determine and all persons shall carefully observe and obey all traffic signs indicating speed, direction, caution, stopping, or parking, and all other signs posted for proper control and the safeguarding of life and property.

(d) Notwithstanding paragraph (a) above, where a public road traverses a County park, said road shall be open to all through traffic permitted on any County road or highway, but such through traffic shall conform to park speed and traffic regulations.

(e) No person driving, operating, controlling or propelling any vehicle whether motorized, horse drawn, or self-propelled, shall use any other than the regularly designated paved or improved park roads, pathways, trails, or driveways, except when directed to do so by a law enforcement officer or department employee or by official signs or markings. No driver or operator of any vehicle shall obstruct traffic or stop on any road or driveway except those places so designated.

(f) No person shall park a vehicle on park property at any place other than in the regular designated facilities provided for that particular type of vehicle, unless directed otherwise by a law enforcement officer or department employee or by official signs or markings. No driver or operator of any vehicle shall park on any road or driveway except those places so designated. No driver or operator of any vehicle shall leave a vehicle parked on any road, driveway or park property after posted closing hours.

(g) No truck, commercial vehicle or bus shall be driven on any restricted service road or property without prior authorization from the department for the purpose of park work, service, or activities.

(h) No person shall ride, drive or propel any bicycle, motorcycle, all-terrain vehicle (ATV), scooter, minibike or similar vehicle on any but the regular vehicle roads except for those areas designated for such a specified use. The designated bicycle trails shall be used only by pedestrians and bicycles and other vehicles propelled by human power. It is expressly provided that no vehicles, motorcycles, scooters, minibikes, or similar vehicles shall be ridden on the designated nature trails located within the County parks. No person shall deviate from compliance with all applicable vehicle laws and regulations governing the operation of the above vehicles while on park property.

(i) No person shall change parts, repair, wash or grease a vehicle on any park roadway, parkway, driveway, parking lot or other park property except that items which failed while on park property, such as a flat tire, may be changed. No driver of a vehicle using gasoline or any other explosive mixture as source of power shall at any time fail to use an adequate muffler or sound deadening device.

Section 6. Use of bicycle racks; posting of rules if no bicycle racks.

(a) To the extent that bicycle racks are provided at any County Park, individuals shall use such bicycle racks for the parking of bicycles.

(b) To the extent that bicycle racks are provided at any County Park, individuals shall not secure bicycles via a chain or lock or any other fastening mechanism onto a tree, shrub, water fountain, trash receptacle, or any structure that is not a bicycle rack.

(c) Whether or not bicycle racks are provided at a County Park, individuals shall not place, park, or leave bicycles in any location that would obstruct pedestrian and/or vehicular traffic, or create a safety hazard for pedestrians, vehicles, and/or animals.

Section 7. Buildings and other property.

(a) No person shall willfully mark, deface, injure in any way, displace, remove or tamper with any park buildings, bridges, tables, benches, fireplaces, railings, paving, water lines or other public utilities or parts of appurtenances thereof, park signs, notices or placards whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures of equipment, facilities or park property or appurtenances whatsoever, either real or personal.

(b) No person shall dig, move or remove from any park area any beach sand, soil, rocks, stones, trees, shrubs, whether submerged or not, or plants, down-timber, or other wood or materials, or make any excavation by tool, equipment, or other means, or construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon, or across such land, or affix any materials to any park property, except with the prior written approval of the Director.

(c) No person shall excavate or remove any artifact from any archeologically sensitive areas with particular concern to Native American burial grounds and living sites, except with the prior written approval of the Director, and in compliance with all applicable law.

Section 8. Fire. No person shall build or attempt to build any fire within any park property except in such areas where fireplaces or grills are provided and under such regulations as are or may be specifically set forth by the Director. No person shall drop, throw, or otherwise deposit lighted matches, burning cigarettes or cigars, or other flammable material within any park property, except in appropriate receptacles.

Section 9. Plant and wildlife protection and preservation.

(a) Within any park, no person shall cut, carve, or injure the bark or break off limbs or branches or pick the flowers or seeds, of any tree, plant or shrub, nor shall any person dig in or otherwise disturb grass areas, or install any vegetation, or in any other way injure or impair the natural beauty or usefulness of any area, nor shall any person pile debris or material of any kind on or about any tree or plant, or attach any rope, wire, or other contrivance therein, whether temporary or permanent in character or use, without prior written approval by the Director. No person shall tie or hitch any animal to any tree or plant within park property.

(b) No person shall remove, molest, harm, frighten, kill, trap, hunt, chase, shoot or throw any object at any animal, nor shall any person remove or possess the eggs, nests or young of any wild animal whether alive or dead without prior approval from the Director.

(c) It shall be unlawful for any person to knowingly interfere with or damage any humane animal trap owned by the department, or another County department or agent, or to molest or release any animal caught therein.

Section 10. Swimming and wading.

(a) No person shall swim or wade in any beach, water area, waterpark or pool within any park property, except where specifically designated and in compliance with such regulations as to hours of the day and safety limitations for such use as set by the department.

(b) In areas designated for swimming and wading, all persons shall be so covered with clothing or a bathing suit so as to prevent any indecent exposure of the person.

Section 11. Boating.

(a) In addition to the provisions set forth in F.S. ch. 327, the following regulations shall apply to recreational area waters within park property:

(1) No person shall bring into, launch, or operate any vessel (as defined in F.S. § 327.02, as may be amended) upon any park property, including designated swimming areas, except at such places as are or may be designated for such use or purposes by the Board of County Commissioners or the Director. Such operation or use shall be in accordance with such rules and regulations as are now or may hereafter be adopted by the department. Boating permits may be required by the department for specific boating activities within park property.

(2) No person shall moor, anchor, or tie up to the bank or any wharf, dock, tree, building, rock or any object or structure on the bank in waters within park property or property managed by the department unless said person does so in pursuit of recreational activities of a temporary nature or unless the owner of the vessel has obtained written permission from the Director, except in an emergency situation.

(3) No person shall launch, dock or operate any vessel on the waters of any park between the closing hour of the park at night and opening hour the following morning, with the exception of designated twenty-four-hour boating facilities, nor shall any person be on, or remain on or in, any vessel in the park during the said closed hours of the park, except with prior approval of the Director.

(4) Boat operators shall be responsible for their own wake and liable for any damage it may cause.

(5) During the staging of department approved special events, all non-participating vessels and spectators shall be prohibited from entering the boat pit area and from obstructing any race, ski courses or special event.

(6) No person shall operate airboats or hovercraft within park property except by written permission from the Director.

(7) The Director shall have the authority to establish regulations and speed limits of vessels that utilize the water areas located within park property unless otherwise pre-empted by the state.

(b) The department shall establish rules and regulations for use of the County's permanent boat slips for dockage of vessels, managed mooring fields and other marine facilities by the public. Rates for said usage shall be established by the Board of County Commissioners.

(c) No person shall rent, hire, or operate any vessel within park property for a commercial purpose unless so permitted by the department.

Section 12. Water skiing.

(a) No person shall water ski within park property except in such places as designated by the Director, and in compliance with rules and regulations as are now or may hereafter be adopted.

(b) No person shall water ski in such manner as to endanger bystanders, swimmers, other skiers, or occupants of other vessels.

(c) No person shall obstruct the takeoff and landing areas designated for water skiing for any purpose other than for normal water skiing activities.

(d) No water skiing is permitted after sunset or before sunrise, except in areas designated for such use.

Section 13. Fishing.

(a) The buying or selling of fish is prohibited within park property.

(b) Sport fishing is allowed within park property except where specifically prohibited.

(c) The use of a trotline for fishing purposes is prohibited within park property. Set cane poles are permitted if attended, limited to two per person.

(d) All applicable state laws pertaining to fishing and licensing shall be enforced within park property.

(e) The Director may establish specific fishing regulations for various water bodies within park property.

Section 14. Picnic areas and use.

(a) Except for park/facility areas reserved through the department, individual picnic tables and associated grills are available on a "first come, first served" basis.

(b) No person shall use a grill or other device in such a manner as to burn, char, mar or blemish any bench, table, or other object of park property nor shall any person starting a fire leave the area without extinguishing said fire.

(c) Picnic areas, including tables and grills, shall be reasonably cleaned by the user(s) after use.

Section 15. Camping. No person shall camp within any park property except in areas designated by the Director for said purpose. The department may establish rules and regulations for designated camping areas within park property. Rates for said use shall be established by the Board of County Commissioners. Camping units are to be of commercial manufacture and be of flame retardant material. House trailers are prohibited.

Section 16. Horseback riding. No person shall engage in horseback riding within any park property except in areas designated by the Director for said purpose. In areas designated for horseback riding, horses must be trained, properly restrained, and prevented from grazing and straying unattended. All riders be able to show proof of their horse's negative Coggins test.

Section 17. Animals.

(a) Except in specified areas, domesticated (house/residential yard) animals are permitted within park property. Said animals must be restrained at all times at a distance not greater than six (6) feet in length from their handler.

(b) No person shall bring into, nor allow to enter, any park property any non-domesticated (non-house/residential yard) animals including, but not limited to, cattle, mules, swine, sheep, goats, fowl or reptiles except where in conjunction with projects sponsored by County departments or upon permit from the Director.

(c) Dangerous dogs, as defined in F.S. ch. 767, and local regulation, are prohibited from park property.

(d) In conjunction with projects and facilities administered by County departments or upon permit from the Director, animals may be allowed in designated areas of the parks at specified times without restraint.

(e) Every individual who brings an animal into a County Park shall be responsible for the removal and sanitary disposition of any excreta deposited by the animal, anywhere within the County Park.

Section 18. Control of nuisance animals.

(a) The introduction, by any person, of any exotic animal or the placement, abandonment or leaving of any animal in a County park is strictly forbidden.



(b) The feeding by any person, of any exotic or native animal in a County park is hereby strictly forbidden unless specifically authorized by the department Director.

(c) Exotic animals, with the exception of those authorized by the Director, roaming free in County parks are hereby declared a nuisance. The Director has the authority to establish processes and procedures to control, and remove from the park, species that are declared to constitute a nuisance.

(d) The Director is hereby authorized to declare certain native species, located in identified parks, to constitute a nuisance. Native species shall be determined to be a nuisance when the Director deems that the number, location, behavior or other characteristic of the native species constitutes a hazard to human health and/or safety or to the resources of the particular park.

Section 19. Alcoholic beverages.

(a) The sale, purchase, possession and consumption of alcoholic beverages as defined in F.S. § 561.01(4) as may be amended, is hereby prohibited within park property except as specifically provided in accordance with the provisions set forth herein.

(b) Notwithstanding the prohibition set forth in paragraph (a) above, the possession of alcoholic beverages in sealed original packages in any vehicle, vessel, or conveyance for purposes of storing or transporting such and not for purposes of selling or consuming such within park property shall not be a violation of this Ordinance.

(c) The Director may designate specific areas in which alcoholic beverages may be possessed and/or consumed. Designated areas may include, but are not limited to, picnic areas, areas reserved for large groups, and facilities for food service. Kegs of beer or other alcoholic malt liquor will be authorized only by permit and in conjunction with a reserved park facility area.

(d) The Director may permit, in writing, the sale, possession, and/or consumption of alcoholic beverages incidental to a special event. Said permission may not exceed four (4) consecutive days.

(e) The Board of County Commissioners may permit the sale of alcoholic beverages by private contractors who operate or manage facilities within park property including but not limited to food service, performing arts, golf courses, and other facilities, as the Board of County Commissioner deems appropriate.

(f) At its option, the County may obtain, in its name, the necessary state licensing for the sale of alcoholic beverages. The County may, at its option, have such license transferred to a contractor's or lessee's name, provided, however, that such licensing shall immediately revert to the County upon termination, for any reason, of the contractor's agreement or lessee's lease with the County. The license holder shall take all action and execute all documents necessary to effect said transfer to the County.

(g) The permission granted under this section shall be subject to all ordinances, laws rules and regulations applicable in the County, and any grantee shall be responsible for compliance thereto. The permission granted may also be subject to, and granted with, specific conditions as set forth by the department, and the grantee shall be responsible for insuring compliance thereto.

(h) No person who is intoxicated or under the influence of drugs will be permitted in parks or recreation areas.

Section 20. Firearms. No person shall possess or use firearms, weapons or trapping devices within any park property except in accordance with local and State regulations and with prior written approval from the Director or in any area designated by the department for such purpose. The Director shall establish rules and regulations pertaining to shooting or archery ranges. Shooting into park areas from beyond park boundaries is prohibited.

Section 21. Fireworks and explosives.

(a) No person shall bring into or have in his possession, or set off or otherwise cause to explode or discharge or burn within any park property any firecrackers, torpedoes, rockets or other fireworks or explosives of flammable material, or discharge them or throw them onto any park property from land or water adjacent thereto. Parents or guardians shall be held strictly responsible and accountable for the actions of minors. Violators will be subject to prosecution accordingly.

(b) The Director may permit organizations and entities to conduct fireworks displays within County parks, subject to full compliance with the County fire code or other applicable County ordinances, or the ordinances of any municipality having jurisdiction to regulate said fireworks display.

Section 22. Park usage.

(a) It is the policy of the County to afford all citizens the opportunity to utilize County parks and also to participate in free speech activities within park property to the fullest extent permitted by law. The Parks and Recreation Director has the authority to establish guidelines for the permitting of special events, demonstrations, gatherings, performances or other mass assemblages at County parks.

(c) No person shall loiter in or around any park areas including, but not limited to, restrooms, dressing rooms or bathhouses, picnic shelters/areas, wooded or natural/undeveloped areas.

Section 23. Commercial activities.

(a) No person shall park or station on any park property any vehicle for the purpose of displaying a sign or notice with the intent of offering said vehicle for sale or exchange.

However, a vehicle parked similarly to other vehicles, and not obviously positioned for display of a sign, shall be presumed to be incidental and not in violation.

(b) No person shall advertise or offer for sale any item, material, or service, nor place any stand, cart, or vehicle for the transportation, sale, trade or display of any ordinance, material or service for sale or trade within any park area unless in conjunction with a permitted use of a reserved park/facility area.

(c) No person shall distribute, display or affix any printed materials or advertisements to or within any park property. Exceptions to this rule are printed materials or advertisements permanently affixed on vehicles or on clothing, distribution of printed handbills or leaflets the purpose of which is not primarily commercial, announcements of park sponsored or sanctioned events; authorized signs located entirely within concession structures, and signs or distribution of printed materials in conjunction with a permitted use of reserved park/facility area.

Section 24. Reserved park/facility areas. Park/facility areas shall not be reserved except by permit issued by the Director. Said reserved park/facility areas include athletic fields, group picnic shelters and associated facilities, recreation and civic facilities, and those areas requested for use for special events. Persons permitted for use of reserved park/facility areas must comply with all applicable rules and regulations as may be established by the department.

Section 25. Dangerous Equipment and Activities. No person shall use or engage in any activity that the Director determines, in his/her reasonable discretion, creates an unreasonable interference or danger to other persons. Such activity shall include, but not be limited to, the use of golf clubs, archery equipment, a discus, javelin or shot, or any aircraft, rocket, missile powered by fuel or mechanical means, training of attack dogs, or any firearm except as otherwise provided in this Ordinance.

Section 26. Special Use Areas. The Director is authorized to set aside, establish, alter, and/or discontinue special use areas in one or more of the Parks. These special use areas would include, but not be limited to, activities such as horse or pony riding, Junior Olympics, bicycle riding, camping activities, motorcycle riding, or any one or more of those activities otherwise prohibited under this Ordinance. Before establishing, altering, or discontinuing such special use area, the Director shall determine, in his or her reasonable discretion, priority of need for such an area and whether the activity may be carried on without unreasonable interference or danger to other persons.

If the Director establishes a special use area, the Director may designate such hours or days of usage, the particular activity or activities which are permitted, and such conditions as he or she determines to be reasonably required for the safety and convenience of persons and property. The Director shall mark the boundaries of the special use area and post such signs and warnings concerning that special use area as he or she deems reasonably appropriate. No person shall misuse or injure any special use area, except for the purposes of one or more of the activities permitted in that special use area under any conditions specified by the Director.

Section 27. Permits. The Director has the authority to develop permitting systems and related rules and regulations for the use of park facilities. Violations of permit requirements shall result in suspension or revocation of such permit.

Section 28. Noise; Sound Amplification.

- (a) No person shall make such loud, excessive, unnecessary noise so as to create a nuisance in any County park. Noise shall be considered a nuisance where it produces actual physical discomfort and annoyance to persons of ordinary sensibilities.
- (b) No audio device, such as loudspeakers, television, radio, compact disc, tape, record player, or medical instrument, except equipment used by law enforcement, rescue or safety personnel, shall be used in a manner:
  - (i) That exceeds a noise level of 60 decibels (dBA) measured on the A-weighted scale at 25 feet, or if below that level, nevertheless;
  - (ii) That exceeds noise which is unreasonable, considering the nature and purpose of the user's conduct, location in the park, time of day or night, impact on other park users and other factors that would govern the conduct of a reasonably prudent person under the circumstances.

Section 29. Aircraft. No one operating, directing or responsible for any aircraft, seaplane, helicopter, glider, balloon, dirigible, parachute or other aerial apparatus shall take off from or land within park property except in emergency law enforcement or public safety situations or when written permission has been obtained from the Director.

Section 30. Pollution of waters. No person shall throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water within Park property any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

Section 31. Refuse, trash and litter.

(a) No person shall take into, dump, deposit or litter any bottles, broken glass, ashes, printed material, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other trash upon any park property. Persons shall place all bottles, broken glass, ashes, printed material, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other trash in the proper receptacles where provided; where receptacles are not provided, same shall be carried away from park property by the person or persons responsible for its presence and properly disposed of elsewhere.

(b) No person shall affix printed material or any other item to any vehicle or property within park property other than his or her own vehicle.

Section 32. Public utilities. Public utilities serving park property or traversing park property shall be subject to reasonable regulations as may be hereafter adopted in the public interest in order to protect County parks from unsightly and inconveniently located fixtures, installations and facilities.

Section 33. Park hours.

(a) Except for unusual and unforeseen emergencies and twenty-four-hour boat launching, fishing and camping areas, all parks shall be open to the public every day of the year during hours designated by the Director. The opening and closing hours shall be posted at each park in order to give notice to the public; except that in any park where hours are not posted, the park shall be open sunrise to sunset

(b) No person shall be or remain in any part of any park property between sunset and sunrise or as specifically posted. The provisions of this section shall not apply to law enforcement officers or department employees while in the discharge of their duties nor to persons having a permit in writing issued by the department to be or remain in any part of the parks between such hours.

(c) The Director, acting as agent of the Board of County Commissioners, may declare any section or part of any park closed to the public at any time and for any interval of time, either temporary or at regular and stated intervals (daily or otherwise) and either entirely or merely for certain uses.

(d) No unauthorized person shall be or remain within park property during those hours when the park is closed.

(e) No person shall enter upon any portion of park property which is under construction, in a state of disrepair, or withheld from general public usage in the interest of public safety, health and/or welfare.

Section 34. Enforcement.

(a) It shall be the duty and responsibility of all law enforcement officers within their jurisdiction to enforce all state laws, municipal ordinances, County ordinances, and County traffic regulations within park property and other areas maintained and operated by the department.

(b) It shall be the duty and responsibility of law enforcement officers and designated department employees to enforce all park rules and regulations. It shall be unlawful for any person to do any act forbidden or fail to perform any act required by these rules or for any person to fail to comply with any lawful and reasonable order given by law enforcement officers. Violators of this Ordinance may be ordered to leave park areas by law enforcement officers and designated department employees. Failure to leave once ordered constitutes a separate violation of this Ordinance.

(c) It shall be the duty and responsibility of law enforcement officers and authorized department employees to enforce all provisions of permits issued by the department. It shall be unlawful for any person to do any act forbidden or fail to perform any act required by any permit issued by the department. Copies of regulations pertaining to reserved park/facility areas shall be furnished with each permit issued.

Section 35. Liability. All persons to whom an exclusive use permit has been granted must agree in writing to hold the County harmless and indemnify the County from any and all liability for injury to persons or property occurring as a result of the activity sponsored by permittee. Said persons shall be liable to the County for any and all damages to Parks, facilities, and buildings owned by the County, which results from the activity of permittee or is caused by any who participate in said activity.

Section 36. Penalties. Failure to comply with the provisions set forth in this Ordinance shall constitute a violation of a County ordinance and shall be punished upon conviction, pursuant to F.S. § 125.69(1), by a fine not to exceed five hundred dollars (\$500.00) per violation per day for as long as the violation continues or imprisonment not exceeding sixty (60) days, or both fine and imprisonment. This Ordinance may also be enforced under Chapter F.S. § 162. Violations of this Ordinance that are continuous with respect to time may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent equitable relief.

Section 37. Severability. If any Section, subsection, sentence, clause, phrase or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

Section 38. Effective date. This Ordinance shall take effect upon filing with the Department of the State of Florida.

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida, this 29<sup>th</sup> day of November, 2005.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: James E. Bryant  
James E. Bryant, Chairman

ATTEST: Cheryl Strickland, Clerk of Court

By: Yvonne King  
Deputy Clerk

Rendition Date: 12/02/05

Effective Date: 12/06/05

THE ST. AUGUSTINE RECORD

PUBLISHED EVERY MORNING MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA, COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared CHARLES BARRETT who on oath says that he is an Accounting Clerk of the St. Augustine Record, a daily newspaper published at St. Augustine in St. Johns County, Florida: that the attached copy of advertisement, being NOTICE OF HEARING in the matter of PARKS ORDINANCE was published in said newspaper in the issues of NOVEMBER 14, 2005.

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 14TH day of NOVEMBER, 2005.

by [Signature] who is personally known to me or who has produced PERSONALLY KNOWN as identification.

[Signature of Patricia A. Bergquist]



Patricia A. Bergquist My Commission DD275991 Expires December 18, 2007

(Signature of Notary Public)

(Seal)

PATRICIA A. BERGQUIST

NOTICE OF PUBLIC HEARING BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing on Tuesday, November 29, 2005 at 9:00 a.m. in the County Auditorium at the County Administration Complex, 4020 Lewis Speedway (County Road 16-A) and U.S.1 North, St. Augustine, Florida, to consider adoption of the following ordinance:

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, CREATING A PARKS ORDINANCE FOR ST. JOHNS COUNTY; PROVIDING A SHORT TITLE; PROVIDING FOR JURISDICTION; PROVIDING FOR AUTHORITY OF THE DIRECTOR OF PARKS AND RECREATION; PROVIDING DEFINITIONS; PROVIDING REGULATION OF VEHICLES WITHIN PARKS; PROVIDING FOR USE OF BICYCLE RACKS AND POSTING OF RULES IF NO BICYCLE RACKS; PROVIDING FOR BUILDINGS AND OTHER PROPERTY; PROVIDING FOR FIRE REGULATION; PROVIDING FOR PLANT AND WILDLIFE PROTECTION AND PRESERVATION; PROVIDING FOR SWIMMING AND WADING; PROVIDING FOR BOATING; PROVIDING FOR WATER SKIING; PROVIDING FOR FISHING; PROVIDING FOR PICNIC AREAS AND USE; PROVIDING FOR CAMPING; PROVIDING FOR HORSEBACK RIDING; PROVIDING FOR ANIMALS; PROVIDING FOR CONTROL OF NUISANCE ANIMALS; PROVIDING FOR ALCOHOLIC BEVERAGES REGULATION; PROVIDING FOR FIREARMS REGULATION; PROVIDING FOR FIREWORKS AND EXPLOSIVES REGULATION; PROVIDING FOR PARK USAGE; PROVIDING FOR COMMERCIAL ACTIVITIES; PROVIDING FOR RESERVED PARK/FACILITY AREAS; PROVIDING FOR DANGEROUS EQUIPMENT AND ACTIVITIES; PROVIDING FOR SPECIAL USE AREAS; PROVIDING FOR PERMITS; PROVIDING FOR NOISE SOUND AMPLIFICATION; PROVIDING FOR AIRCRAFT REGULATION; PROVIDING PROTECTION FROM POLLUTION OF WATERS; PROVIDING FOR REFUSE, TRASH AND LITTER; PROVIDING FOR PUBLIC UTILITIES; PROVIDING FOR PARK HOURS; PROVIDING GENERAL PARK REGULATIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR LIABILITIES; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Complex, 4020 Lewis Speedway (CR 16A and U.S. #1), St. Augustine, Florida and may be examined by parties interested prior to the public hearing.

Interested parties may appear at the public hearing and be heard with respect to the proposed ordinance.

If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public hearing, he/she will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact ADA Coordinator, at (904) 209-0650 at the St. Johns County Courthouse, 4010 Lewis Speedway, Room 276, St. Augustine, FL 32084. For hearing impaired individuals: Telecommunication Device for the Deaf (TDD): Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the hearing.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA CHERYL STRICKLAND, ITS CLERK By: Patricia DeGrande, Deputy Clerk L2890-5 Nov 14, 2005